

Message Text

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DRAFTED BY: EB/OT/STA:MCJONES:CLJ

APPROVED BY: EB/OT/STA:WCLARK, JR

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FM SECSTATE WASHDC

TO USMISSION GENEVA

INFO USDEL MTN GENEVA

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FOLLOWING REPEAT STATE 202014 ACTION CANBERRA 25 AUG

QUOTE

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E.O. 11652: N/A

TAGS: ETRD, AS

SUBJECT: COUNTERVAILING DUTIES: AUSTRALIAN BUTTER

REF: CANBERRA 6445

1. THERE IS NO FURTHER TRAFFIC BESIDES THAT CITED IN
REFTEL.

2. ON APRIL 8 JULIUS L. KATZ MET WITH JOHN T. SMITH,
COMMERCIAL MINISTER OF AUSTRALIAN EMBASSY TO DISCUSS CASE.
MR. SMITH SAID THAT U.S. ACTION CONTRAVENED BILATERAL
AGREEMENTS WITHIN THE GATT AND THAT THE AUSTRALIANS FELT
THEY WERE BEING SINGLED OUT FOR DISCRIMINATORY TREATMENT,
ESPECIALLY REGARDING TREATMENT OF EC DAIRY PRODUCTS.

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MR. KATZ REPLIED THAT TREASURY ACTION WAS BASED ON

DOMESTIC LEGAL REQUIREMENTS AND THAT WE WERE NEGOTIATING WITH THE EC CONCERNING CHANGES IN ITS EXPORT RESTITUTION PROGRAM. HE ALSO SAID THAT PROTOCOL OF PROVISIONAL APPLICATION EXEMPTED PRE-EXISTING U.S. LEGISLATION FROM THE GATT. HE AGREED TO LOOK INTO THE CASE WHILE EMPHASIZING LEGAL DETERMINATIONS RESTED WITH TREASURY.

3. SUBSEQUENT TO THIS MEETING MR. SMITH SUBMITTED A NOTE

RAISING AUSTRALIAN LEGAL OBJECTIONS WITH A REQUEST FOR REVIEW BY THE DEPARTMENT'S LEGAL SECTION. IN A MEMORANDUM DATED JULY 31, THE LEGAL DEPARTMENT DISCUSSED AUSTRALIAN LEGAL POINTS AND CONCLUDED THAT THE TREASURY DEPARTMENT HAD PROCEEDED PROPERLY.

4. COPIES OF 1) KATZ-SMITH MEMCON OF APRIL 8, 2) KATZ LETTER TO SMITH WITH ENCLOSED LEGAL MEMORANDUM AND 3) JOHN SMITH REPLY TO KATZ LETTER BEING POUCHED EMBASSY. INGERSOLL UNQUOTE KISSINGER

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